

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Delaware

Forest Laboratories, Inc., Forest
 Laboratories Holdings, Ltd., Merz Pharma
 GmbH & Co. KGaA and Merz Pharmaceuticals
 GmbH,
 V. Plaintiffs,

SUMMONS IN A CIVIL CASE

Organus Pharma Inc.,

Defendant.

CASE NUMBER:

- 08 - 291 -

TO: (Name and address of Defendant)

Organus Pharma Inc.
 c/o Delaware Secretary of State
 Division of Corporations
 John G. Townsend Building
 401 Federal Street - Suite 4
 Dover, DE 19901

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Maryellen Noreika
 Morris, Nichols, Arsht & Tunnell LLP
 1201 North Market Street
 P.O. Box 1347
 Wilmington, DE 19899

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLOO

5/19/08

CLERK

DATE

Beth Dina
 (By) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾ THOMAS LYLE	DATE	May 19, 2008
NAME OF SERVER (PRINT)	TITLE	
Messenger		
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____		
<input checked="" type="checkbox"/> Other (specify): By hand delivering a copy of the summons and complaint to <u>Orgenus Pharma Inc., c/o State of Delaware - Secretary of State</u> <u>Division of Corporations, John G. Townsend Building, 401 Federal Street -</u> <u>Suite 4, Dover, DE 19901 pursuant to 10 Del. C. § 3104</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>5/19/08</u> Date	<u>Thomas Lyle</u> <small>Signature of Server</small> 800 King Street Suite 102 <u>Wilmington, DE 19801</u> <small>Address of Server</small>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.